

**Village Council
Monday,
May 18, 2009
7:00 PM**

Minutes

Call to Order: Mr. Deeds called the meeting to order at 7:00pm

Pledge of Allegiance: Mr. Jarvis led the Pledge of Allegiance

Roll Call:

John Bender	Rick Deeds	Bruce Jarvis	Bobbie Mershon
Victor Paini	Marilyn Rush-Ekelberry	Leah Turner	

Approval of Minutes:

Mrs. Rush-Ekelberry moved to accept the minutes from the May 4th, 2009 Council meeting. Mr. Paini seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon
 Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis

NAYS

Mrs. Turner abstained ...Motion Carried.

Mrs. Rush-Ekelberry moved to accept the minutes from the May 4th, 2009 Public Hearing. Mr. Paini seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon
 Mr. Deeds, Mrs. Rush-Ekelberry

NAYS

Mrs. Turner and Mr. Jarvis abstained. Motion Carried.

Communications & Petitions:

A monthly Update was received from Canal Winchester Human Services

A thank you was received from Canal Winchester Area Historical Society for Bed Tax Grant

A Letter was received from WOW! Informing residents that they will be adding Doppler 10 Now to their new Digital Value lineup on channel 101, effective June 12th, 2009.

A letter from Mike Gust was received pointing out a discrepancy that he felt was included in the testimony given before Council with regard to the Fairfield Homes matter.

A letter was received from Mr. Scott Thompson, the owner of the property that Fairfield Homes is proposing developing, stating his position on the matter.

A filing was received regarding a lawsuit filed by Ohio Citizens Action against the Village of Canal Winchester in reference to our Peddler's and Solicitors ordinance.

Village Residents Comments:

Five-minute limit per person

Tony Note, of 126 E Columbus Street, stated that when the Village Council votes on the Fairfield Homes issue, they will be voting on the issues that Planning and Zoning addressed. They will be voting on density, unit size and the reduction of open space. They want to change the density from 6 to 16.5 units per acre. That is a 275% increase. Also, they want to change the requirements from 12 to 40 units per building. That is a 333% increase in our existing code. They want to reduce 1 bedroom units by 200 sq feet and 2 bedroom units by 118 sq feet. Fairfield Homes cannot get the financing to develop this unit under our existing code. This is a financial decision on their part. He believes that P&Z made the right decision, contrary to Village staff's recommendations.

John McCritus, of 79 Trine Street, learned about the issue after reading the paper. Altruistically, he would like to have the Village buy it and use it for community open space with sand volleyball courts, expand Farmer's market or have Canal Days with historical games for the kids. If it has to be developed, then develop it in accordance with the current standards.

He stated that the Council just passed an ordinance that expanded the square footage of one bedroom unit to 1000 feet and to turn around and lower it to 600 feet would be extreme. He stated that a multi-unit development would be a negative impact on the property values rather than a positive impact. He hopes the council backs up the P&Z decision.

Jeff Bond, of 36 Washington Street Apt C, stated that our community has good standards and we predetermined these standards and it helps to make it obvious when a development isn't a good fit for our community. It seems like the people really want to turn it into a parks area. The business model just doesn't fit.

Robert Stedman, of 18 E Mound Street, stated that the comparisons in green space between this project and David's way are skewed. They took out the woods in the comparisons of green space and he would like Council to be aware of this. He stated that in the letter that Mr. Thompson wrote about the park land he stated that soccer fields may be appropriate. Mr. Stedman disagrees that that is the appropriate use. He has spoken with Congressman Austria and Representative Harris about this issue. He is disappointed that the residents have spoken and may not be heard.

Bob Rodenbaugh, of 36 E Mound Street, stated that Fairfield Homes compared this project to the Pershing House in Lancaster. He stated there are some differences. The road frontage is vastly different. They tore down vacant buildings to build that project, not a great historic home in the middle of town. That project was far less intrusive. This year there is a huge community garden, almost twice the size as last year. There were 12 people back there over this weekend alone. It is already being used as a community space.

Michael Feeney, of 34 W Trine Street, stated that if this project is approved the community will change. Currently, you can walk to work and to area businesses. Apartments will change that.

Scott Huff, of 72 E Waterloo St., examined the AR-1 zoning and found that the proposed project is 133% above the AR-1 zoning. Per the Dept of Engineering statistics, there are approximately 1.8 cars per household. Traffic will increase and a burden will be placed on the community services based on the maximum sewage capability. The project is completely surrounded by alleys. There will be an existing home torn down and it is all in a 100 year flood plain.

Paul Becker asked if council would like to have this project in their back yard, then asked that they keep it out of theirs.

Mike Gust, of 71 E Mound Street, asked why council isn't making a decision tonight. He can't imagine what more information Council needs to make a decision.

Mr. Deeds responded that they are taking their time to ensure that their position is put into writing so that there is no room for misunderstanding or misinterpretation on either side.

Mrs. Mershon stated that the density comparison issue between David's Way and Fairfield Homes project is comparing apples to oranges. Mr. Strayer stated that he wasn't aware of the methodology used to calculate the density. Mrs. Mershon asked that if there is a discrepancy, it should be noted and added as an addendum to the report, so that they have all the correct information.

Mrs. Turner stated that she agrees but there is more at issue than that. She stated that what the public wants is the first issue.

ORDINANCES:

FIRST Reading

Sponsor: Mr. Deeds

O-09-05B AN ORDINANCE TO SET THE SALARIES OF MEMBERS OF COUNCIL AND
PRESIDENT OF COUNCIL EFFECTIVE JANUARY 1, 2010

Mr. Deeds read the ordinance. First reading only.

Sponsor: Mr. Deeds

O-09-05C AN ORDINANCE TO SET THE SALARY AND FRINGE BENEFITS OF THE MAYOR
EFFECTIVE JANUARY 1, 2010

Mr. Deeds read the ordinance. First reading only.

Sponsor: Mrs. Mershon

O-09-05D AN ORDINANCE TO AMEND SECTION 1181.04 OF THE CODIFIED ORDINANCES
OF THE VILLAGE OF CANAL WINCHESTER REGARDING THE PARK FEE

Mrs. Mershon read the ordinance and requested that any developers that will have projects in the works when this is finalized, be notified so that there is no problems later.

Sponsor: Mrs. Mershon

O-09-05E AN ORDINANCE TO AMEND THE DEVELOPMENT FEE SCHEDULE ORDINANCE NO. 44-
08

Mrs. Mershon read the ordinance. First reading only

O-09-05F AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO HISTORIC PRESERVATION OFFICE ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT FOR THE REHABILITATION OF THE WINDOWS AT TOWN HALL

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon
Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis
NAYS

Mr. Jarvis moved to adopt Ordinance 27-09; Mr. Deeds seconded the motion and requested that Mr. Peoples ask about the possibility of doing something to improve the look of the top windows.

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon
Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis
NAYS

Sponsor: Dr. Bender
O-09-05G AN ORDINANCE TO AWARD THE CONTRACT FOR THE EICHHORN STREET, RUTHERFORD DRIVE AND ROBINETT WAY STREET AND UTILITY IMPROVEMENTS PROJECT TO LOVELAND EXCAVATING OF COLUMBUS, INC. IN AN AMOUNT OF \$1,607,011.30 AND DECLARING AN EMERGENCY

VOTE:

AYES Dr. Bender, Mr. Paini, Mrs. Mershon
Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis

NAYS

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon
Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis
NAYS

Motion Carried.

Mrs. Turner read the ordinance and moved to suspend the rules and declare an emergency. Seconded by Dr. Bender.

NAYS

Mrs. Turner moved to adopt Ordinance 29-09; seconded by Mrs. Mershon.

NAYS

Mrs. Turner read the ordinance; second reading only.

Mr. Deeds read the ordinance and moved to adopt ordinance 30-09. Mrs. Mershon seconded the motion.

NAYS

Dr. Bender read the ordinance and moved to adopt ordinance 31-09. Mr. Paini seconded the motion.

NAYS

Motion Carried.

O-09-04H AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH CANAL WINCHESTER HUMAN SERVICES FOR THE PERIOD FROM APRIL 1, 2009 THROUGH MARCH 31, 2012

VOTE:

AYES Dr. Bender, Mr. Paini, Mrs. Mershon
Mr. Deeds, Mrs. Rush-Ekelberry,

NAYS

Mr. Jarvis abstained. Motion Carried.

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon
 Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis
 NAYS
 Motion Carried.

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon
Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis
NAYS
Motion Carried.

Mrs. Mershon read the resolution; second reading only.

Sponsor: Mrs. Mershon

R-09-05B A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE
REVIEW COUNCIL FOR THE FAIRFIELD COUNTY ENTERPRISE ZONE AREAS
WITHIN THE VILLAGE OF CANAL WINCHESTER

Mrs. Mershon read the resolution; second reading only.

Mayor's Report:

Mr. Jarvis moved to accept the Mayor's Court Clerk Report for April 2009. Mrs. Turner seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon
 Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis

NAYS

Motion Carried.

Mayor Ebert and Mr. Strayer met with Waste Management and they mentioned that SWACO was thinking of having all of the trucks that haul into Franklin County take most of their waste to the Franklin County landfill. Most of the haulers currently own their own landfills and rarely use the County landfill. If SWACO forces Waste Management to take waste to the County landfill, the Village of Canal Winchester could lose several hundred thousand dollars a year in revenue and the Village would lose 278 employees who are currently paying income tax to Canal Winchester. They have been in contact with MORPC to let them know what's going on and meetings are being set up with County Commissioners. They are not taking this lightly. Discussion ensued.

Public Works Director:

Thrush Drive is proceeding on schedule. Half of the road has been replaced and they are beginning work on the second half.

Street CIP is finishing work in Winchester Village. They have moved to High / Columbus this week and will move next week to High Street and work on the east half of the road; west half of the road will be under re-construction the following week.

The salt bid is in from ODOT and it came in at \$63.07 / ton, down from \$147.08 / ton last year.

Tire sweep was completed and netted 100 tires to be turned in for destruction.

Mr. Taylor is working on a truck fill station at the water treatment plant.

The Stradley Park fountain was recently painted and is operational.

Mr. Smith is working on emergency pump acquisition and an I&I project.

Development Director:

The Fairfield / 33 Board will be meeting on Friday to discuss the trade shows and expos that they have attended over the last month.

CWICC will meet next Thursday.

Mr. Peoples, Mayor Ebert, Mr. Neimayer and Mr. Strayer will go over the draft of the thoroughfare plan from EMH&T.

Mr. Strayer stated that he found a new way to track the state leads and whether or not we have won different projects.

None at this time.

Adjourn to Executive Session:

Mr. Deeds moved to adjourn to executive session for a pending quasi-judicial matter to include Ms. Osborn, Mayor Ebert, Mr. Hollins, Mr. Strayer and Mr. Peoples. Dr. Bender seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon
 Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis

NAYS

Motion Carried. Time out 8:22pm

Adjournment:

Return time from Executive session is 9:20pm

Mrs. Rush-Ekelberry moved to adjourn the meeting. Mrs. Turner seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Paini, Mrs. Mershon, Mrs. Turner
 Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Jarvis

NAYS

Motion Carried. Time out 9:20pm

Clerk of Council

President of Council

Date

Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.